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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Janice Mary Herbert,

Plaintiff,

v.

United States of America,

Defendant.

Case No. 2:20-cv-00917-JCM-BNW

**Stipulation and Order to Amend
Discovery Plan and Extend Deadlines
(First Request)**

Pursuant to Local Rules IA 6-1 and 26-4, Plaintiff Janice Mary Herbert, and Defendant United States of America, through counsel, submit the following Stipulation to Extend Deadlines 60 days. This is the first request for an extension of case deadlines.

A. Discovery Completed:

1. The parties have exchanged Rule 26(a) disclosures.
2. The United States is subpoenaing Plaintiff's medical records from health care providers and when the responses to those requests come in, the United States will continually provide supplemental disclosure statements.

B. Discovery Remaining:

The parties plan to serve additional written discovery and conduct depositions of the Plaintiff and Plaintiff's treating physicians. Additionally, the parties will designate and depose retained and non-retained medical experts, if applicable.

C. Need for Extension of Discovery Plan:

Plaintiff filed her complaint on May 20, 2020. Plaintiff filed her First Amended Complaint on October 12, 2020. The United States filed its answer to Plaintiff's First Amended Complaint on October 13, 2020. On November 17, 2020, the parties stipulated to dismissing Doe Defendants I through X, inclusive, and Roe Corporations I through X, inclusive from the First Amended Complaint. On November 24, 2020, the parties filed their Stipulated Discovery Plan and Scheduling Order. On December 1, 2020, the Court granted the parties' Stipulated Discovery Plan and entered its Scheduling Order. On December 2, 2020, the Court granted the parties' stipulation to dismiss Doe Defendants I through X, inclusive, and Roe Corporations I through X, inclusive.

The parties have experienced severe disruptions caused by the global COVID-19 pandemic. The attorneys and staff at the U.S. Attorney's Office are required to work remotely, with limited support staff, until further notice. Consequently, counsel for the United States has experienced delays in obtaining medical records and hiring experts. Additionally, the parties anticipate difficulty scheduling depositions while social distancing and quarantine orders are in place, particularly for treating physicians and expert witnesses. As of the time of this filing, the parties do not know how long the pandemic's safety measures will remain in effect.

D. Proposed New Discovery Schedule

1. Discovery Cutoff date: Discovery cutoff is currently scheduled for May 26, 2021, and will be extended to **July 26, 2021**.¹

2. Expert Disclosures: Initial expert disclosures currently due on March 29, 2021, will be continued to **May 28, 2021**; and rebuttal expert disclosures currently due April 26, 2021, will be continued to **June 25, 2021**.

3. Dispositive Motions: Dispositive motions currently due June 25, 2021, will be continue to **August 25, 2021**, which is 30 days after discovery cutoff.

¹ 60 days from May 26, 2021 is July 25, 2021. Because July 25, 2021 falls on a Sunday, this will be moved to Monday, July 26, 2021.

1 **4. Pretrial Order:** A Joint Pretrial Order shall be filed by **September 24, 2021**, which
2 is 30 days after the deadline for filing dispositive motions. However, if any dispositive
3 motions are filed, the the Joint Pretrial Order shall be due 30 days after decision on such
4 motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be
5 included in the Joint Pretrial Order.

6 Respectfully submitted this 25th day of February, 2021.

7 The Law Office of Casey Gish, Esq.

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9 /s/ Casey Gish
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14 **IT IS SO ORDERED**

15 UNITED STATES MAGISTRATE JUDGE

16 DATED: 3/3/2021
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